

EXHIBIT 18

MINUTES

CITY OF SAN LEANDRO CITY COUNCIL AND SAN LEANDRO REDEVELOPMENT AGENCY JOINT MEETING

MARCH 19, 2007

Civic Center
835 East 14th Street
San Leandro, California

REGULAR MEETING

7:00 PM—City Council Chambers

1. CALL TO ORDER

The meeting was called to order at 7:01 p.m.

A. Pledge of Allegiance to the Flag

Mayor Tony Santos led the Pledge of Allegiance to the Flag.

B. Roll Call

PRESENT: Members Grant (arrived at 7:05 p.m.), Gregory, Prola, Souza, Starosciak, Stephens; Mayor Santos

ABSENT: None

2. PRESENTATIONS/RECOGNITIONS

A. Matter of Commendations of Board and Commission Members (approves ceremonial resolutions of the City Council).

- Minute Order No. 2007-030, Resolution Commending Cynthia Eliason for Her Years of Service on the Board of Zoning Adjustments. (1019)

The City Council approved the resolution commending Cynthia Eliason for her years of service on the Board of Zoning Adjustments.

- Minute Order No. 2007-031, Resolution Commending Gil Raposo for His Years of Service on the Board of Zoning Adjustments. (1019)

The City Council approved the resolution commending Gil Raposo for his years of service on the Board of Zoning Adjustments.

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- **Minute Order No. 2007-032**, Resolution Commending Joseph T. Flynn for His Years of Service on the Human Services Commission. (2024)

The City Council approved the resolution commending Joseph T. Flynn for his years of service on the Human Services Commission.

- **Minute Order No. 2007-033**, Resolution Commending Geraldine Mellen for Her Years of Service on the Human Services Commission. (2024)

The City Council approved the resolution commending Geraldine Mellen for her years of service on the Human Services Commission.

- **Minute Order No. 2007-034**, Resolution Commending Susan Kleebauer for Her Years of Service on the Planning Commission. (1018)

The City Council approved the resolution commending Susan Kleebauer for her years of service on the Planning Commission.

- **Minute Order No. 2007-035**, Resolution Commending Elmer Costa for His Years of Service on the Recreation and Parks Commission. (1020)

The City Council approved the resolution commending Elmer Costa for his years of service on the Recreation and Parks Commission.

M/S/C Starosciak and Stephens. Ayes: 6; Noes: 0; Absent: 1 (Grant)

The Board and Commission members who were present received resolutions commending their years of service on their respective advisory bodies.

B. Matter of Appointments and Reappointments of Board and Commission Members.

- **Resolution No. 2007-028**, Resolution Appointing Darryl Shields as District 3 Member to Board of Zoning Adjustments. (1019)
- **Resolution No. 2007-029**, Resolution Appointing Debra Vandiver as District 3 Member to Human Services Commission. (2024)
- **Resolution No. 2007-030**, Resolution Appointing Renee Souza as District 3 Member to Library-Historical Commission. (1017)
- **Resolution No. 2007-031**, Resolution Appointing Anna Braman and Reappointing Shirley McManus as At Large Members to Personnel Relations Board. (1016)
- **Resolution No. 2007-032**, Resolution Appointing Denise Abero as District 3 Member to Planning Commission. (1018)

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- **Resolution No. 2007-033**, Resolution Appointing Kimberly Wilson as District 3 Member to Recreation and Parks Commission. (1020)
- **Resolution No. 2007-034**, Resolution Reappointing Robert Kvam as District 3 Member to Senior Commission. (2143)

M/S/C Souza and Prola. Ayes: 7; Noes: 0

The newly appointed and reappointed Board and Commission members who were present took their Oath of Office administered by City Clerk Marian Handa.

3. PUBLIC HEARINGS

Public Hearing Comments are limited to 5 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained.

- A. Matter of Ordinance Amending San Leandro Zoning Code as Follows Relating to Assembly Uses: Article 3, Deleting Definitions for 'Clubs and Lodges' and 'Religious Assembly' and Adding a New Definition for 'Assembly Uses'; Article 5, Amending Sections 2-504, 2-506, 2-508, and 2-510 for Consistency with New Definitions; Article 13, Adding New Sections 3-1320 Through 3-1330; Article 17, Amending Section 4-1704; and Matter of Amending San Leandro Zoning Map to Include 196 Properties with an Assembly Use (-AU) Overlay District Designation, Which Would Allow Assembly Uses to Be Conditionally Permitted on These Properties.

This being the time and place for the Public Hearing on the above matter, City Manager Jermanis gave background on the matter and introduced Planning Manager Debbie Pollart. Ms. Pollart gave a PowerPoint presentation giving additional background and details on the proposed Zoning Code amendments and assembly overlay areas. She responded to questions from the Council.

The Hearing was then opened to the public.

Gary Mortara, pastor of Faith Fellowship Church, addressed the City Council, expressing frustration regarding the protracted application process.

Kathy Sanchez, president of the Marina Garden Homeowners Association, addressed the City Council, expressing concern that allowing Faith Fellowship Church to locate on Catalina Drive would result in traffic and parking impacts on her neighborhood and would impact the City's tax base.

Charles Gilcrest, Chair of the JPA RAC, addressed the City Council, expressing the JPA RAC's concurrence with the Planning Commission, Board of Zoning Adjustments

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and West San Leandro Redevelopment Advisory Committee regarding the overlay approach for allowing assembly uses in industrial zones.

Bob Battinich, San Leandro resident, addressed the City Council, commenting on Faith Fellowship's application, his concern regarding the appropriateness of the SOMAR area for assembly uses, and how the AU overlay would protect San Leandro's industrial area.

Wafaa Aborashed, Davis West Neighborhood Group, addressed the City Council, commenting on mixed zoning and health concerns for families frequenting areas with heavy truck traffic and diesel emissions. Ms. Aborashed requested clarification on the definition of assembly use.

There being no further comments from the public, and without objection, the Public Hearing was closed.

Vice Mayor Grant asked why the property proposed to be occupied by Faith Fellowship Church was not included in the assembly use overlay being considered tonight. Ms. Pollart stated that when the City received Faith Fellowship's application, it raised policy issues related to the location of assembly uses citywide. In order to address the need to provide more opportunities to allow assembly uses, Planning staff developed criteria based on General Plan and Zoning Code policies and provided the information to Information Services staff. Applying the criteria, the IS staff generated the assembly use overlay map. Ms. Pollart indicated that those wishing to have an assembly use in an overlay area would need to obtain a use permit. Ms. Pollart read the proposed definition of "assembly use."

Councilmember Starosciak asked why public agency property was not considered in the assembly use overlay criteria study. Ms. Pollart noted that public agency property was not included because it rarely changed use or ownership. Councilmember Starosciak inquired about the process for Faith Fellowship to receive approval to locate on Catalina. Ms. Pollart indicated that she will be meeting with Faith Fellowship to modify its existing application to request a rezone for an assembly use overlay. If approved, it will go through the use permit process.

Councilmembers inquired about various addresses on the proposed list. Ms. Pollart indicated that she would review the list and add specific street addresses.

Vice Mayor Grant asked what distinguishes the areas proposed for the assembly use overlay from the area along Catalina owned by Faith Fellowship Church. Ms. Pollart noted that the parcels proposed for the assembly use overlay meet all the criteria. Vice Mayor Grant asked about the impact on the future use of the properties if the AU overlay is adopted. Ms. Pollart commented that it would allow the property owner the additional option of an assembly use while having no effect on the existing uses.

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- **Minute Order No. 2007-036**, Motion Adopting the Negative Declaration and Declaring It as Complete and in Compliance with California Environmental Quality Act (CEQA) Requirements Related to Amending San Leandro Zoning Code Assembly Uses: Article 3, Deleting Definitions for 'Clubs and Lodges' and 'Religious Assembly' and Adding a New Definition for 'Assembly Uses'; Article 5, Amending Sections 2-504, 2-506, 2-508, and 2-510 for Consistency with New Definitions; Article 13, Adding New Sections 3-1320 Through 3-1330; Article 17, Amending Section 4-1704; and Matter of Amending San Leandro Zoning Map to Include 196 Properties with an Assembly Use (-AU) Overlay District Designation, Which Would Allow Assembly Uses to Be Conditionally Permitted on These Properties. (1098)

The City Council adopted the Negative Declaration and declaring it as complete and in compliance with California Environmental Quality Act (CEQA) requirements related to amending San Leandro Zoning Code Assembly Uses: Article 3, deleting definitions for 'Clubs and Lodges' and 'Religious Assembly' and adding a new definition for 'Assembly Uses'; Article 5, amending Sections 2-504, 2-506, 2-508, and 2-510 for consistency with new definitions; Article 13, adding new Sections 3-1320 through 3-1330; Article 17, amending Section 4-1704; and matter of amending San Leandro Zoning Map to include 196 properties with an Assembly Use (-AU) Overlay District designation, which would allow assembly uses to be conditionally permitted on these properties.

M/S/C Gregory and Starosciak. Ayes: 7; Noes: 0

- **Ordinance No. 2007-005**, an Ordinance Amending San Leandro Zoning Code Part I, Article 3, Deleting Definitions for 'Clubs and Lodges' and 'Religious Assembly' and Adding a New Definition for 'Assembly Uses'; Part II, Article 5, Amending Sections 2-504, 2-506, 2-508, and 2-510 for Consistency with New Definitions; Part III, Article 13; and Part IV, Article 17, Amending Section 4-1704 (allows assembly uses on identified properties in various zoning districts). (3075)

— Passed to Print

M/S/C Grant and Prola. Ayes: 7; Noes: 0

- **Ordinance No. 2007-006**, an Ordinance Zoning Certain Properties Herein Described as to Zoning with an Assembly Use Overlay District and Amending Zoning Map for 196 Identified Properties (reclassifies subject properties with an Assembly Use Overlay without changing the underlying zoning). (1024)

— Passed to Print

M/S/C Grant and Prola. Ayes: 7; Noes: 0

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4. JOINT CITY COUNCIL/SAN LEANDRO REDEVELOPMENT AGENCY PUBLIC HEARINGS

None.

5. PUBLIC COMMENTS

Public Comments are limited to 3 minutes per speaker, subject to adjustment by the Mayor. When you address the City Council, you should **fill out a speaker card** and submit it to the City Clerk so the order of speakers may be determined and an official record of names and addresses obtained. The public is invited to make comments on items of public interest **NOT** listed on the Agenda.

Martin A. Francis, San Leandro resident, addressed the City Council, commenting that he hoped the City would continue the Flag Day Ceremony on June 16, 2007, as he is unable to continue to coordinate the program. Mr. Francis provided the Council with information on the Flag Day event.

Mayor Santos commented that former Councilmembers Gordon Galvan and Bob Glaze have expressed willingness to coordinate the June 16, 2007 Flag Day ceremony.

Mike Rawlis, San Leandro resident, addressed the City Council, commenting on the lack of reasonably priced restaurants in the downtown portion of East 14th Street and the need for a full service grocery store on Davis Street.

Kathy Banks, San Leandro resident, addressed the City Council regarding high gas prices, the lack of a grocery store in her neighborhood, and the rising number of foreclosures in the area.

Harold Perez, San Leandro resident, addressed the City Council, commenting regarding traffic and parking issues. Mr. Perez commented on various illegal activities on the part of his neighbor, including drugs and garage construction.

Lou Filipovich, San Leandro resident, addressed the City Council regarding the Brown Act, public comments at meetings and municipal elections.

Wafaa Aborashed, San Leandro resident, addressed the City Council, expressing support for food vending carts and trucks. Ms. Aborashed expressed concerns regarding the health effects to the local community from pollution carried downwind from neighboring cities, and she offered a presentation on the subject to the Council by the Healthy San Leandro Collaborative. She provided copies of a report entitled, "Still Toxic After All These Years: Air Quality and Environmental Justice in the San Francisco Bay Area."

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6. CITY MANAGER AND CITY ATTORNEY REPORTS AND COMMENTS

Mr. Jermanis commented that Councilmember Starosciak hosted last year's Flag Day event held at the San Leandro Library, and he expressed appreciation for Mr. Francis' efforts to keep the Flag Day program going in San Leandro.

In response to the comments made by Mr. Rawlis and Ms. Banks, Mr. Jermanis reported on the recent community meeting on the subject of transit-oriented development, at which there was discussion about locating shopping nearer to where people live. Mr. Jermanis pointed out locations of grocery stores in the vicinity described by Mr. Rawlis, and he commented on the challenge of getting large grocery stores to locate in town.

Regarding Mr. Perez's comments, Mr. Jermanis reported that the Police Department and Animal Control have looked into the problems on Vestal Court on several occasions, and the City's Building Division will look into the issue of the possible illegal garage construction.

Mr. Jermanis commented that the targeting of food service vendors was initiated by the Alameda County Health Department. The City's business license section is working with the Police Department to review the existing ordinances related to peddlers and itinerant merchants to ensure consistency in the issuance of licenses and to ensure Health Department requirements are met.

Mr. Jermanis noted that Ms. Aborashed has been a strong advocate for both clean air and for the West San Leandro area. Mr. Jermanis commented that the air quality in West San Leandro can definitely be improved, and the City will continue work with the Bay Area Air Quality Management District and other regulatory agencies and industries to do all it can to control emissions and improve air quality.

City Attorney Jayne Williams addressed Mr. Filipovich's comments regarding the public hearing process. Ms. Williams commented that the public hearing was conducted properly, and speaker cards which were received prior to the end of the staff presentation were accepted. She noted that Mr. Filipovich submitted his speaker card late and therefore did not adhere to the Council's policy.

7. AMENDMENT OF CONSENT CALENDAR

City Councilmembers or staff have an opportunity at this time to request that an item be removed from the Consent Calendar for the presentation of a staff report or other special consideration. Members of the Public may request the opportunity to address the City Council regarding items remaining on the Consent Calendar by filling out a speaker card and submitting it to the City Clerk prior to the calling of Item 7, Amendment of Consent Calendar. Items remaining on the Consent Calendar will be considered for approval under one motion.

Consent Calendar was amended to remove Items 8.E. and 8.G. Items will be considered under Item 9, Items Removed from Consent Calendar.

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Consent Calendar items are considered for approval by the City Council with one single action. As described above in Item 7, Amendment of Consent Calendar, the City Council may remove items from the Consent Calendar for purposes of presentation or discussion. Members of the public who have requested to address the Council regarding items remaining on the Consent Calendar may do so for up to 3 minutes per item with a maximum of 5 minutes for all items. Items listed on the Consent Calendar are deemed to have been read by title.

Items 8.E. and 8.G. were removed from the Consent Calendar to Item 9, Items Removed from Consent Calendar. The remaining items on the Consent Calendar were approved by the following vote:

M/S/C Stephens and Souza. Ayes: 7; Noes: 0

- A. Minutes of the Meeting of March 5, 2007. **Approved as submitted.**
- B. Minute Order No. 2007-037, Resolution Commending the Eden Area League of Women Voters on Its 50th Anniversary (approves a ceremonial resolution of the City Council). (1081)

The City Council approved the resolution commending the Eden Area League of Women Voters on its 50th Anniversary.

- C. Resolution No. 2007-003 RDA, Resolution of the Redevelopment Agency of the City of San Leandro Approving Reimbursement Agreement with the John Benjamin Company for the Cost of Environmental Consulting Services for Property in the West San Leandro/MacArthur Boulevard Redevelopment Project Area Commonly Known as 326-340 MacArthur Boulevard, Assessor's Parcel Numbers 079-0316-014-01 and 076-1316-12-01 (provides for environmental testing at subject project). Cost: \$40,000. Funding: West San Leandro/MacArthur Redevelopment Project Area Fund. (3110)
- D. Resolution No. 2007-004 RDA, Resolution of the Redevelopment Agency of the City of San Leandro Approving an Owner Participation Agreement (OPA) Between the San Leandro Redevelopment Agency and White House Events, LLC for the Development of Property in the West San Leandro/MacArthur Boulevard Redevelopment Project Area Located at 599 MacArthur Boulevard, Assessor's Parcel Number 076-0326-009-01 (provides for redevelopment of the subject property and a 10-year, forgivable, commercial rehabilitation loan not to exceed \$50,000 for exterior facade improvements). Funding: West San Leandro/MacArthur Boulevard Project Area Fund. (3110)
- E. Resolution Approving a Contractual Services Agreement with Kennedy/Jenks Consultants Related to Water Pollution Control Plant (WPCP) Consolidated Plant Record Drawings Set (provides engineering services to modify and consolidate the 1979 WPCP record drawings set and to include a computerized database of drawings). Cost:

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\$60,138. Funding: WPCP Enterprise Fund. (Moved to Item 9, Items Removed from Consent Calendar.) (2323)

- F. **Resolution No. 2007-035**, Resolution Approving East Bay Dischargers Authority (EBDA) Third Amended Joint Exercise of Powers Agreement (JPA) to Provide for More Efficient Bidding and Procurement Procedures (modifies bidding and procurement procedures adopted in the original JPA of 1974). (1140B)
- G. Resolution Approving a Contractual Services Agreement with Kennedy/Jenks Consultants Relating to the Water Pollution Control Plant (WPCP) Effluent Project, Project No. 593-52-219 (provides for construction support services for construction of the pump house and disinfection system at Monarch Bay Golf Course in the amount of \$66,000 for the subject project). Funding: Appropriated as part of the 2005-06 budget. (Moved to Item 9, Items Removed from Consent Calendar.) (2323)
- H. **Resolution No. 2007-036**, Resolution Authorizing the City Manager to Enter into a Right-of-Entry and Indemnity Agreement Between the City of San Leandro and the Port of Oakland to Construct the Bay Trail Pedestrian/Bicycle Bridge with Connecting Trail (provides a framework for the City to complete the construction necessary on the Port property on its behalf). (1215)
- I. **Resolution No. 2007-037**, Resolution Approving Plans and Specifications and Calling for Bids for Bancroft Middle School Playfield Renovations, Project No. 06-210-38-257 (provides for improvements to the general use turf sports field, basketball court area, and supporting infrastructure, including irrigation and drainage systems). Bid opening date is April 9, 2007. Funding: Grant Fund and Park Development Fund. (3111)
- J. **Resolution No. 2007-038**, Resolution Approving Parcel Map 9307 for 1588 Doolittle Drive, Assessor's Parcel Number 077A-0680-005-02; Owner: Airgas NCN, Inc. (provides for subdivision of an existing 7.33-acre parcel to sell the northern 4.717-acre portion and retain the 2.616-acre southern portion). (3112)
- K. **Resolution No. 2007-039**, Resolution Approving a Parking Agreement for 101 Callan Avenue with SL 101, LLC (provides for a 30-year lease of parking spaces in the City-owned Estudillo garage and Hyde Street parking lot). (3113)
- L. Matter of Nomination of Member to Recreation and Parks Commission.
 - **Minute Order No. 2007-038**, Motion Nominating Juan Martinez as San Leandro Unified School District (SLUSD) Representative to Recreation and Parks Commission. (1020)

The City Council nominated Juan Martinez as SLUSD representative to the Recreation and Parks Commission.

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Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.

Items 8.E. and 8.G.:

Vice Mayor Grant expressed concerns regarding the award of the contracts to Kennedy/Jenks without a formal bid process and the differences in the rates charged by Kennedy/Jenks for the two contracts. She asked what the threshold amount was for requiring a competitive bid.

Mr. Jermanis commented that there is no competitive bid requirement for professional services; the recommendation is based on the qualifications of the consultant.

Mike Bakaldin, Public Works Services Director, noted that Kennedy/Jenks has a long history of work at the Water Pollution Control Plant. He stated that Public Works sought out several consultants and hired two other firms for design projects; however, the Department was compelled to select Kennedy/Jenks for the record drawings project because the firm already has most of the plans required for the project. Similarly, Kennedy/Jenks designed the water reclamation system, and so were selected to manage the Effluent Project construction. Mr. Bakaldin indicated that in the next several months, the Council will see different design firms working on upcoming projects at the Water Pollution Control Plant. Regarding the difference in the rates, Mr. Bakaldin indicated that the agreement for the record drawings was negotiated approximately a year ago, which may account for the rate difference.

Mr. Jermanis commented that the City Council may want its Finance Committee to revisit the subjects of professional services and the purchasing ordinance. Under the current ordinance, the City Manager has a good deal of latitude in the selection of professional services. It was the consensus of the Council to refer this matter to the City Council Finance Committee.

Engineering and Transportation Director Uche Udemzue commented that consultants typically change their rates annually. While the rates quoted to Engineering are for the current year, Public Works received their quote last year, and the consultant is honoring the lower rate.

Councilmember Stephens asked if staff believes Kennedy/Jenks is the company to which these contracts should be awarded. Mr. Udemzue confirmed that it is. Mr. Udemzue reported that the City sent out an RFP to approximately 20 companies, to which fewer than half responded, and four were interviewed. He noted that staff makes its best efforts to select the most qualified firms to provide services to the City.

Vice Mayor Grant commented that she does not doubt the services or reputation of Kennedy/Jenks, but is concerned about awarding both contracts to the same firm.

- 8.E. **Resolution No. 2007-040**, Resolution Approving a Contractual Services Agreement with Kennedy/Jenks Consultants Related to Water Pollution Control Plant (WPCP) Consolidated Plant Record Drawings Set (provides engineering services to modify and

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consolidate the 1979 WPCP record drawings set and to include a computerized database of drawings). Cost: \$60,138. Funding: WPCP Enterprise Fund. (2323)

M/S/C Starosciak and Stephens. Ayes: 6; Noes: 0; Abstain: 1 (Grant)

- 8.G. Resolution No. 2007-041, Resolution Approving a Contractual Services Agreement with Kennedy/Jenks Consultants Relating to the Water Pollution Control Plant (WPCP) Effluent Project, Project No. 593-52-219 (provides for construction support services for construction of the pump house and disinfection system at Monarch Bay Golf Course in the amount of \$66,000 for the subject project). Funding: Appropriated as part of the 2005-06 budget. (2323)

M/S/C Starosciak and Stephens. Ayes: 6; Noes: 0; Abstain: 1 (Grant)

10. ACTION ITEMS

Public comments are limited to 3 minutes per speaker per item, subject to adjustment by the Mayor.

A. Report on Closed Session Actions Taken

None.

11. CITY COUNCIL REPORTS

A. Reports on Intergovernmental Agencies

Councilmember Starosciak reported on the Congestion Management Agency retreat held on March 9. The topic of greatest interest was the State transportation bond, Proposition 1B. Councilmember Starosciak noted the importance of meeting project milestones and project delivery by 2012 in order to retain funding. Alameda County will receive approximately \$500 million from Prop 1B, and the most significant project for San Leandro is the I-880 southbound HOV lane from Hegenberger to Marina. Councilmember Starosciak reported that CMA has recommended doubling its staff.

Councilmember Starosciak reported on the League of California Cities meeting on March 15 which also focused on transportation. A representative from the Metropolitan Transportation Commission spoke on Proposition 1B funding for local streets and roads, and San Leandro will receive about \$2 million over the next several years. Additionally, there is about \$250 million for local streets and roads which will be distributed on a competitive basis. She presented Mayor Santos with a \$5 AC Transit card.

Mayor Santos reported on the East Bay Dischargers Authority and the continuing efforts to reform the organization. He reported on ACTIA and its push to help San Leandro

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obtain an agreement with the Port of Oakland, which resulted in \$1.5 million for the slough bridge project.

B. Reports on Conferences and Seminars

Councilmember Gregory reported on the National League of Cities Conference. He complimented lobbyist Len Simon for his work in arranging meetings for the Council with federal legislators. He reported on the conference sessions he attended on noise and education, as well as a session with Senator Barbara Boxer.

Vice Mayor Grant commented that she enjoyed attending the conference with new Councilmembers Gregory and Souza, who brought positive energy and helped her see things from a different perspective. She reported on a session on affordable housing, as well as a general session which addressed transportation and available grants for an "urban partnership program" at www.fightgridlocknow.com which the City may want to pursue. Vice Mayor Grant also attended sessions with Senator Hillary Clinton and George Stephanopoulos.

Councilmember Souza commented that it was beneficial for the City to have representatives from the Council meet face-to-face with federal legislators to request assistance. Councilmember Souza reported on sessions she attended on inclusive communities, affordable housing and immigration.

Mayor Santos commented that he felt the four members of the Council and Assistant City Manager Hollister lobbying together in Washington were very successful. He noted that if the City meets the Department of Transportation deadline, it may have an opportunity for a grant for the Davis Street overcrossing. He commented on the rising rate of foreclosures nationwide, which was addressed at the conference. Mayor Santos expressed appreciation for the hospitality by Councilmember Souza's family during the Council's visit to Washington.

C. Reports on City Council Committees

1. Airport Committee Meeting of March 2, 2007. **Accepted as submitted.**
2. Facilities and Transportation Committee Meeting of February 28, 2007. **Accepted as submitted.**

12. CITY COUNCIL COMMENTS

Councilmember Prola commented that he hopes San Leandro will pursue more green building opportunities.

Councilmember Stephens asked if the Council's delegation to Washington was successful in obtaining funding for dredging. He asked for consensus on looking into community preservation standards for businesses, particularly signage, exteriors and other aesthetics. Mr.

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Jermanis commented that the Council has taken incremental steps toward strengthening community preservation for the business sector and has been examining the issues raised by Councilmember Stephens. Staff will come back to the Council with ideas on how to address them.

Councilmember Starosciak concurred with Councilmember Stephens, commenting that some businesses look like junkyards. Councilmember Starosciak commented on a San Leandro School District town hall meeting she recently attended. She obtained copies of slides and will have them distributed to the Council. Councilmember Starosciak reported that it was a very well-attended meeting with a lot of good discussion, and the most controversial issue discussed was the PG&E easement which will be converted into a parking lot.

Councilmember Starosciak also commented on a town hall meeting held tonight by the San Lorenzo Unified School District regarding the possible sale of surplus property. She inquired about the date for the next City/San Lorenzo Unified School District Liaison Committee Meeting and asked if the surplus school sites item could be listed on the meeting agenda.

Councilmember Starosciak stated that she would like the Council to discuss the possibility of securing a government relations representative or lobbyist that can assist the City in positioning itself for funding at the state level.

Councilmember Souza commented that she had the recent opportunity to attend the Washington Manor Middle School multi-cultural dinner along with Councilmember Starosciak. Councilmember Starosciak commented that she attended the function as the Mayor's representative.

Councilmember Souza commented on the value of having Len Simon working for the City in Washington, D.C., and she concurred with Councilmember Starosciak that the City needs a presence at the state level.

Vice Mayor Grant commented that the Business Association of South San Leandro (BASSL) will be holding a lunch meeting on March 20, 2007, at noon at Ricky's Sports Bar. The featured speakers will be the Police and Fire Chiefs and the Fire Marshal. There is a nominal lunch fee, and all are invited to attend.

Mayor Santos commented regarding Councilmember Stephens' question on federal funding for dredging, indicating that Congressman Stark was unprepared to take a position on the City's behalf. Mayor Santos noted the other local communities with marinas, such as Napa and Petaluma, which are in a similar situation to San Leandro's. It was suggested by Congressman Stark's office that the local communities pool their money and flip a coin to determine which site will be dredged. Mayor Santos commented that Senator Feinstein's office was more receptive to San Leandro's needs, and has been primarily responsible for the City's receipt of funding for dredging in the past. Mayor Santos indicated that he feels the City is unlikely to receive sufficient funding for dredging this year. He announced that the Marina Committee will meet tomorrow, and this will be a topic of discussion. Mayor Santos commented that he felt the City's chances of receiving funding for the Senior Center and Davis Street overcrossing are very good.

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Vice Mayor Grant commented that she found it interesting that the federal legislators that were visited by the Council delegation were aware of the Marina situation, but did not pledge monetary support for it.

13. ADJOURN

The meeting was adjourned at 9:26 p.m.

RESPECTFULLY SUBMITTED:

A handwritten signature in cursive script, reading "Marian Handa", written over a horizontal line.

MARIAN HANDA
City Clerk of the City of San Leandro

EXHIBIT 19

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2007-005

(3075)

AN ORDINANCE OF THE CITY OF SAN LEANDRO AMENDING SAN LEANDRO ZONING CODE: PART I, ARTICLE 3, DELETING DEFINITIONS FOR 'CLUBS & LODGES' AND 'RELIGIOUS ASSEMBLY' AND ADDING A NEW DEFINITION FOR 'ASSEMBLY USES'; PART II, ARTICLE 5, AMENDING SECTIONS 2-504, 2-506, 2-508, AND 2-510 FOR CONSISTENCY WITH NEW DEFINITIONS; PART III, AMENDING ARTICLE 13; AND PART IV, ARTICLE 17, AMENDING SECTION 4-1704.

The City Council of the City of San Leandro does ORDAIN as follows:

SECTION 1: Part I, Article 3 of the Zoning Code is hereby amended to read as follows:

Assembly Uses. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section). This classification includes union halls, social clubs, fraternal organizations, and youth centers.

Assembly Uses, Temporary. Meeting, recreational, social facilities of a private or non-profit organization primarily for use by member or guests, or facilities for religious worship and incidental religious education (but not including schools as defined in this section) on a site that is not permanently occupied by an assembly use, for a period of not more than thirty (30) days.

~~**Clubs and Lodges.** Meeting, recreational, or social facilities of a private or non-profit organization primarily for use by members or guests. This classification includes union halls, social clubs, fraternal organizations, and youth centers.~~

~~**Religious Assembly.** Facilities for religious worship and incidental religious education, but not including private schools as defined in this section.~~

~~**Religious Assembly, Temporary.** Religious services conducted on a site that is not permanently occupied by a religious assembly use, for a period of not more than thirty (30) days.~~

SECTION 2: Part II, Article 5 of the Zoning Code is hereby amended to read as follows:

2-504 RO District – Use Regulations**B. RO District – Conditionally Permitted Uses.**

The following uses are allowed in the RO District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classifications.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. *Assembly Uses.*
- ~~2. Clubs and Lodges.~~
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RO District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RO District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. Commercial Filming, Limited.
- ~~2. Religious Assembly, Temporary.~~

2-506 RS District – Use Regulations**B. RS District – Conditionally Permitted Uses.**

The following uses are allowed in the RS District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. *Assembly Uses.*
3. Day Care, General.
4. Park and Recreation Facilities, Private Noncommercial.
5. Public Safety Facilities.
6. ~~Religious Assembly.~~

C. RS District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RS District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. *Commercial Filming, Limited.*
3. ~~*Religious Assembly, Temporary.*~~

2-508 RD District – Use Regulations

B. RD District – Conditionally Permitted Uses.

The following uses are allowed in the RD District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. *Accessory uses when in conjunction with a conditionally permitted use.*
2. *Assembly Uses.*
3. *Day Care, General.*
4. *Park and Recreation Facilities, Private Noncommercial.*
5. *Public Safety Facilities.*
6. ~~*Religious Assembly.*~~

C. RD District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RD District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. *Commercial Filming, Limited.*
3. ~~*Religious Assembly, Temporary.*~~

2-510 RM District – Use Regulations

B. RM District – Conditionally Permitted Uses.

The following uses are allowed in the RM District, subject to the approval of a conditional use permit. (Certain uses are subject to special requirements and/or limitations, as prescribed following the individual use classification.)

1. Accessory uses when in conjunction with a conditionally permitted use.
2. *Assembly Uses.*
3. Bed and Breakfast Inns.
- ~~4. Clubs and Lodges.~~
4. Day Care, General.
5. Group Housing.
6. Manufactured Home Parks.
7. Park and Recreation Facilities, Private Noncommercial.
8. Public Safety Facilities.
- ~~9. Religious Assembly.~~

D. RM District – Temporary Uses Requiring Administrative Review.

The following temporary uses are allowed in the RM District, subject to the regulations of Section 5-2222: Temporary Use Permits.

1. *Assembly Uses, Temporary.*
2. Commercial Filming, Limited.
- ~~3. Religious Assembly, Temporary.~~

SECTION 3: Part III, Article 13 of the Zoning Code is hereby amended to read as follows:

Article 13 S Special Review and AU Assembly Uses Overlay Districts

Sections:

S Special Review Overlay District

- | | |
|--------|---|
| 3-1300 | Specific Purposes and Applicability |
| 3-1302 | Applicability and Zoning Map Designation |
| 3-1304 | Land Use and Property Development Regulations |
| 3-1306 | Use Permit Required |
| 3-1308 | Review Criteria |
| 3-1310 | Conditions of Approval |
| 3-1312 | Procedures |

AU Assembly Use Overlay District

- | | |
|---------------|---|
| 3-1320 | <i>Specific Purposes and Applicability</i> |
| 3-1322 | <i>Applicability and Zoning Map Designation</i> |
| 3-1324 | <i>Land Use and Property Development Regulations</i> |
| 3-1326 | <i>Use Permit Required</i> |

3-1328 Review Criteria and Conditions of Approval
3-1330 Procedures

S Special Review Overlay District [No Changes Proposed]

AU Assembly Use Overlay District

3-1320 Specific Purposes and Applicability

In addition to the general purposes listed in Article 1, the specific purpose of the AU Assembly Use Overlay District is to provide for discretionary review of assembly uses on certain non-residentially zoned properties which may be designated by the City Council, consistent with General Plan policies. This allows Assembly Uses, as defined in Article 3, to be considered on non-residentially zoned properties on a conditional use basis, beyond the residential-zoned properties for which they are already conditionally permitted.

3-1322 Applicability and Zoning Map Designation

The AU Assembly Use Overlay District may be combined with any zoning district. It may be initiated by the City Council or Planning Commission under the procedures established by Article 27: Amendments. Each AU Overlay District shall be shown on the zoning map by adding an "-AU" to the base district designation. The zoning map also shall include a reference to the adopting ordinance establishing the AU Overlay District.

3-1324 Land Use and Property Development Regulations

The land use and development regulations applicable in an AU Overlay District shall be those of the base zoning district with which the AU Overlay District is combined unless modified by another overlay district or by the ordinance establishing the AU Overlay District. The requirements of the applicable AU Overlay District shall govern where conflicts arise.

3-1326 Use Permit Required

A use permit is required for any of the following actions within an AU Overlay District:

- A. Establishment of any new assembly use.*
- B. Substantial expansion or alteration of any existing assembly use and/or structure.*
- C. In addition to or in lieu of a use permit, the City Council may establish other review procedures or requirements at the time of establishment of an AU Overlay District or necessary to assure conformance of uses and buildings with purposes and objectives of the AU District.*

- D. **Exceptions.** *The Zoning Enforcement Official may waive the requirement for a use permit or other specified discretionary approval for the following activities, provided that any such waiver is not inconsistent with any policy directive or review criteria incorporated in the legislation establishing the AU Overlay District. These exceptions include alterations of existing structures that are minor in nature or that do not add more than ten percent (10%) to existing floor area, and maintenance or repair of existing structures.*

3-1328 Review Criteria and Conditions of Approval

The review criteria and conditions of approval shall be as required in Sections 5-2212 and 5-2214.

3-1330 Procedures

An application for approval of a use permit in an AU Overlay District shall be processed in accord with the procedures established by Sections 5-2206 and 5-2208 and any additional requirements applicable to that AU district.

SECTION 4: Part IV, Article 17 of the Zoning Code is hereby amended to read as follows:

4-1704 Off-Street Parking and Loading Spaces Required

OFF-STREET PARKING AND LOADING SPACES REQUIRED

Use Classification	Off-Street Parking Spaces	Off-Street Loading Spaces Per Group Classification (See Table A, Page 16)
Public and Semipublic		
Assembly Uses	1 space per 50 sq. ft. used for assembly uses.	C
Clubs and Lodges	1 space per 50 sq. ft. used for assembly purposes	C
Religious Assembly	1 space per 100 sq. ft. of main seating area	C

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of the Ordinance is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part hereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause and phrase of the Ordinance irrespective of the fact that one or more of them would be declared unconstitutional or invalid. To this end, the provisions of the Ordinance are declared to be severable.

SECTION 6: This Ordinance shall take effect thirty (30) days after adoption. The City Clerk is directed to publish the title once and post a complete copy thereof on the City Council chamber bulletin board for five (5) days prior to adoption.

Introduced by Councilmember Grant on this 19th day of March, 2007, and passed to print by the following vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: Marian Handa
Marian Handa, City Clerk

Passed and adopted this 2nd day of April, 2007, after publication on March 26, 2007, by the following vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: Marian Handa
Marian Handa, City Clerk

EXHIBIT 20

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2007-006

(1024)

**AN ORDINANCE OF THE CITY OF SAN LEANDRO ZONING CERTAIN PROPERTIES
HEREIN DESCRIBED AS TO ZONING WITH AN ASSEMBLY USE OVERLAY DISTRICT
AND AMENDING ZONING MAP FOR 196 IDENTIFIED PROPERTIES**

Recitals

The City Council of the City of San Leandro, after public hearings duly and properly held in compliance with the Zoning Code of the City of San Leandro, has determined that the public necessity, convenience and general welfare require the reclassification of the property described below to the district and classification hereinafter set forth.

NOW, THEREFORE, the City Council of the City of San Leandro does **ORDAIN** as follows:

Section 1: Those properties with addresses and Assessor's Parcel Numbers as indicated are hereby reclassified with an Assembly Use (-AU) Overlay. Underlying zoning for all properties will remain unchanged.

Section 2: The City of San Leandro Official Zoning Map is hereby amended as shown on Sheets A2, A3, B2, B3, C2 and C3, filed in the office of the City Clerk on March 19, 2007.

Section 3: This ordinance shall take effect thirty (30) days after adoption and the title shall be published once prior to adoption.

Introduced by Councilmember Grant on this 19th day of March, 2007, and passed to print by the following called vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: Marian Handa
Marian Handa, City Clerk

Passed and adopted this 2nd day of April, 2007, after publication on March 26, 2007, by the following called vote:

Members of the Council:

AYES: Councilmembers Grant, Gregory, Prola, Souza, Starosciak, Stephens;
Mayor Santos (7)

NOES: None (0)

ABSENT: None (0)

ATTEST: Marian Handa
Marian Handa, City Clerk

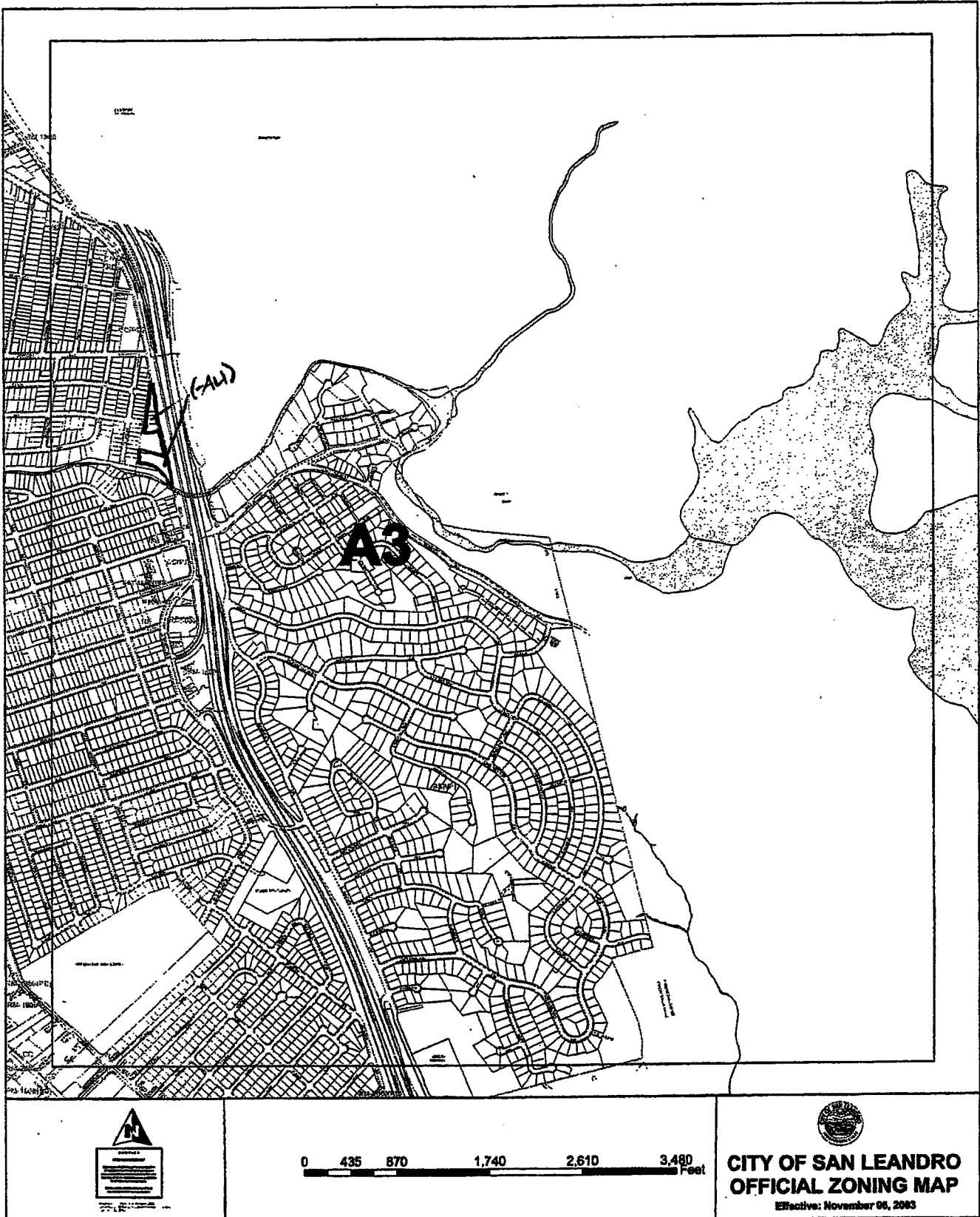
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077A 0639 004 00	916 Williams St
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075 0066 005 00	1823 Alvarado St
077A 0639 006 00	940 Williams St
075 0065 010 00	886 Williams St
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075 0105 008 00	703 Castro St
075 0066 007 08	810 Castro St
077A 0639 008 00	972 Williams St
075 0078 007 03	549 Harlan St
075 0105 002 00	783 Castro St
075 0078 006 02	555 Harlan St
075 0105 001 00	795 Castro St
075 0078 005 03	563 Harlan St
076 0350 008 00	1051 Macarthur Blvd
075 0078 007 04	545 Harlan St
075 0105 003 00	771 Castro St
075 0103 011 00	2050 Orchard Ave
075 0103 010 00	2090 Orchard Ave
075 0105 025 01	2070 Alvarado St
075 0105 006 00	743 Castro St
075 0105 005 00	755 Castro St
075 0066 007 07	Castro St
075 0077 015 00	527 Harlan St
075 0105 004 00	763 Castro St
075 0224 002 03	300 San Leandro Blvd
075 0105 030 02	2000 Alvarado St
075 0105 022 02	2102 Alvarado St
075 0103 009 00	940 Estabrook St
075 0045 003 00	775 Williams St
075 0103 005 00	2077 Alvarado St
075 0103 007 00	864 Estabrook St
075 0103 008 00	870 Estabrook St
075 0103 006 00	2091 Alvarado St
075 0105 034 00	1954 Alvarado St
075 0105 033 00	1968 Alvarado St
075 0065 004 00	807 Thornton St
075 0065 011 00	896 Williams St
075 0065 003 00	815 Thornton St
075 0065 002 00	823 Thornton St
075 0065 001 02	839 Thornton St
075 0065 005 00	804 Williams St

APN	ADDRESS
075 0065 006 00	824 Williams St
075 0045 007 00	705 Williams St
075 0065 007 02	830 Williams St
075 0045 006 00	719 Williams St
075 0065 008 00	840 Williams St
075 0066 007 09	830 Castro St
075 0045 005 00	735 Williams St
075 0045 002 00	795 Williams St
077A 0639 002 00	904 Williams St
075 0045 009 01	712 Castro St
077A 0639 003 00	912 Williams St
075 0105 007 00	727 Castro St
075 0045 013 00	766 Castro St
075 0045 012 00	754 Castro St
075 0105 032 00	1982 Alvarado St
075 0078 002 00	572 Estabrook St
075 0078 003 02	596 Estabrook St
075 0045 014 00	1860 Alvarado St
077A 0639 007 00	964 Williams St
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075 0066 004 00	855 Williams St
075 0066 003 00	869 Williams St
075 0066 007 05	1849 Alvarado St
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075 0066 019 01	903 Williams St
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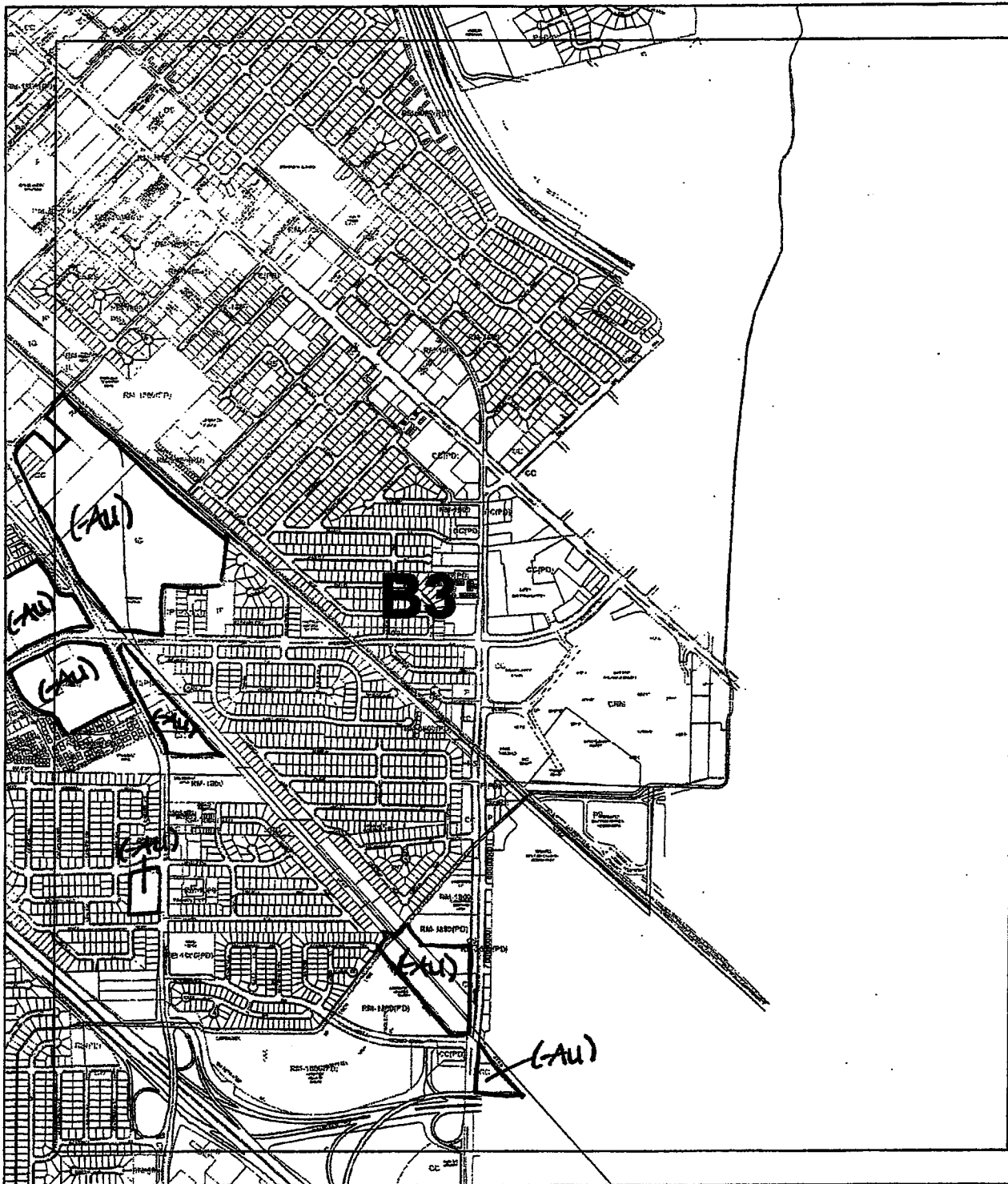
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077 0556 065 01	2240 Washington Ave
077 0556 063 00	2260 Washington Ave
077D 1410 025 00	2436 Washington Ave
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412 0006 010 00	674 Lewelling Blvd
412 0009 005 07	Lewelling Blvd
412 0009 006 03	534 Lewelling Blvd
412 0009 006 02	534 Lewelling Blvd
077C 1280 004 00	15285 Hesperian Blvd
077B 1139 006 02	250 Floresta Blvd
077C 1310 008 04	14400 Washington Ave
077B 1139 008 00	256 Floresta Blvd
077B 1222 007 10	14349 Washington Ave
412 0009 006 05	534 Lewelling Blvd
412 0011 004 00	Lewelling Blvd
080G 1099 001 00	1960 Lewelling Blvd
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077C 1228 001 02	13940 Washington Ave
077B 1225 002 04	13951 Washington Ave
077D 1440 002 00	790 139th Ave
077D 1440 001 18	760 139th Ave
077B 1222 002 02	14111 Washington Ave
077C 1230 005 02	14200 Washington Ave
077B 1222 006 19	14205 Washington Ave
077B 1222 007 18	14281 Washington Ave
077C 1235 002 22	14340 Washington Ave
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080G 0910 016 00	2561 Grant Ave
080G 0910 017 00	2505 Grant Ave
077D 1440 001 23	750 139th Ave
077C 1228 002 02	14000 Washington Ave
075 0087 001 02	400 Hudson Ln
075 0084 015 02	2485 Washington Ave
075 0087 008 00	400 Hudson Ln
075 0084 014 05	2481 San Leandro Blvd
077D 1424 006 07	1111 139th Ave
077D 1437 013 04	1090 139th Ave
077D 1437 015 01	1124 139th Ave
077D 1437 014 03	139th Ave
077C 1230 001 03	14074 Washington Ave
077B 1222 001 05	344 139th Ave

APN	ADDRESS
077D 1440 001 21	143rd Ave
077D 1443 002 02	833 143rd Ave
077B 1225 003 04	295 139th Ave
077B 1222 004 03	14173 Washington Ave
077C 1232 006 07	501 143rd Ave
077C 1235 001 02	640 143rd Ave
077B 1222 005 03	14193 Washington Ave
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077B 1222 006 15	14251 Washington Ave
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077C 1280 005 01	15299 Hesperian Blvd
075 0078 001 07	Estabrook St









0 400 800 1,600 2,400 3,200 Feet



CITY OF SAN LEANDRO
OFFICIAL ZONING MAP

Effective: November 06, 2003

